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SENATE BILL 3344

By Springer, J

AN ACT to amend Chapter 274 of the Private Acts of 1925; as rewritten by Chapter 33 of the Private Acts of 1973, and amended by Chapter 145 of the Private Acts of 1977, Chapter 302 of the Private Acts of 1980, Chapter 128 of the Private Acts of 1986, and any other acts amendatory thereto, relative to the Town of Dickson, Tennessee.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The charter of the Town of Dickson, Tennessee, the same being Chapter 274 of the Private Acts of 1925, as rewritten by Chapter 33 of the Private Acts of 1973, and as amended by Chapter 145 of the Private Acts of 1977, Chapter 302 of the Private Acts of 1980, Chapter 128 of the Private Acts of 1986, and all acts amendatory thereof, is hereby amended and revised with the same to continue as a body politic, and the following to constitute its charter:

ARTICLE I

CHARTER DEFINITION, CITY LIMITS, AND CORPORATE POWERS

Section 1.01. ACT CONSTITUTES CITY CHARTER. The Town of Dickson, Tennessee, shall continue as a body politic and corporate name by the name and style of the City of Dickson, Tennessee, and this Act shall constitute its complete Charter. The City of Dickson shall

have perpetual succession, may sue and be sued, plead and be impleaded, in all of the courts of law and equity and in all actions whatsoever, and may have and use a common seal and change it at pleasure.

Section 1.02. DEFINITIONS. As used in this Charter, the following words and terms shall have the following meanings:

(a) "City" shall mean the City of Dickson.

(b) "Council" and "City Council" shall mean the legislative body of the City and shall be composed of the Mayor and eight (8) Councilmen elected as provided in this Charter, and any incumbent Aldermen until the expiration of their current terms of office.

(c) "Councilman" and "Member of the Council" shall mean a person elected to the office of Councilman as provided in this Charter and shall include the Mayor.

(d) "Non-partisan" shall mean without any definition of candidates as members or candidates of any State or National political party or organization.

(e) "Ward" shall mean any one of the four (4) subdivisions of the City of Dickson as hereinafter described in this Charter.

(f) "At large" shall mean the entire City, as distinguished from representation by Wards or other districts.

(g) "Code" shall mean any publication or compilation of rules, regulations, specifications, standards, limitations, or requirements relating to any aspect of municipal affairs, prepared or recommended by an agency of the federal or state government, or by a trade association or other organization generally recognized as an authority in its field of activity.

(h) "Elector" shall mean a qualified voter residing within the City.

(i) "Masculine" shall include the feminine, and the singular shall include the plural and vice versa, except when the contrary intention is manifest.

Section 1.03. CITY LIMITS. The city limits set forth in this section have been extended or contracted by the following ordinances which are of record in the office of the City Recorder: 404, 405, 406, 407, 408, 418, 649, 666, 677, 720, 721, 722, 723, 750, 779--784, 794, 824, 848, 875, 942, 957, 962, 965, and 988. The boundaries of the City shall be those fixed by Chapter 274 of the Private Acts of 1925 and all Acts amendatory thereof which are the present boundaries and described, as follows:

Beginning at a point in the center of the L & N Railroad track near the Northern most corner of the Town of Dickson's Vanleer Tract; thence, with the center of the Railroad, South 47 degrees East 1,710 feet; thence, leaving the Railroad, North 70-1/2 degrees East, crossing Old State Highway No. 1 on 406 feet, in all 700 feet to a point in Hardy Few's S. B. L. and in the abandoned bed of the Old Yellow Creek Road; thence, South 47-1/2 degrees East 2,234 feet to a point in the old roadbed; thence, North 68 degrees East 1,208 feet to a point in a fence, said fence being the East boundary line of the Dickson Golf and Country Club and the West boundary line of the W. C. Morrison property; thence, following said fence, North 4-1/2 degrees East and crossing Old Pond Road at 3,074 feet and in all 3,282 feet to a point in the Southerly right-of-way line of the Tennessee Valley Authority New Johnsonville-Dickson- Davidson 161 KV Transmission Line; thence, Easterly with said right-of-way North 88 degrees East 5,148 feet; North 78 degrees East 744 feet, to a point in field; thence, leaving right-of-way and paralleling the Easterly right-of-way line of State Highway No. 48, South 5-1/2 degrees West 3,641 feet to a point in the Gray-Donaldson boundary; thence, South 20 degrees West 1,878 feet to a point in J. W. Adkin's field; thence, South 87 degrees East , across Jones Creek Road on 1,571 feet in all 4,064 feet to a point 15 feet West of the Center of Jackson Road; thence, with the West margin of Jackson Road North 11 degrees East 414 feet; thence North 33 degrees East 234 feet; thence, North 42 3/4 degrees East 475 feet; thence, North 31-1/2 degrees East 114 feet; thence, North 13 degrees East 112 feet to a concrete marker, which is 15 feet West of the Center of Jackson Road; thence, crossing Jackson Road South 75-1/2 degrees East 657 feet;

thence, South 87 degrees East 175 feet; thence, North 89 degrees East 111 feet, along Slayden Weaver's North property line to a point 276 feet from the center line of Hummingbird Lane; thence, parallel with the center line of Hummingbird Lane North 47 degrees East 669 feet; thence, North 31 degrees East 1,810 feet; thence, North 42 degrees East 389 feet; thence, North 56 degrees East 1,398 feet to a point in a fence; thence, South 34 degrees East 276 feet to a point in the center line of Hummingbird Lane; thence, following 20 feet South of and parallel to the center line of a gravel road North 82-1/4 degrees East 839 feet; thence, North 71-1/2 degrees East 236 feet to a point 20 feet South of the center line of said gravel road; thence, leaving said road North 35 degrees East 138 feet; thence, North 63-1/2 degrees East 309 feet to a iron pin at a gate; thence, following a fence North 81 degrees East 754 feet to a point in the center of Spicer Branch; thence, following Spicer Branch South 18-1/2 degrees West 415 feet; thence, South 22 1/2 degrees West 378 feet; thence, South 51-1/2 degrees East 126 feet; thence South 17-1/2 degrees East 208 feet; thence, South 45 degrees West 164 feet, thence, South 14-1/2 degrees East 162 feet; thence, South 3-1/2 degrees East 272 feet to a point in the center of Spicer Branch; thence, leaving Spicer Branch North 84-1/2 degrees West 962 feet to a point near the Northeast corner of Parkway Acres Subdivision; thence, South 2-1/2 degrees West 2,202 feet to a point on the North right-of-way of U. S. Highway No. 70; thence, running with the North right-of-way of said Highway North 70-1/2 degrees East 250 feet to a point; thence, crossing said Highway South 20 degrees East 125 feet to a point in the center of the Colesburg Road and in the South right-of-way of U. S. Highway No. 70; thence, South 53 degrees West 894 feet to a point; thence, parallel to U. S. Highway No. 70 South 63-1/2 degrees West 2,441 feet, to a point 350 feet South 27 degrees East from the center of said highway; thence, South 4 degrees West 2,457 feet to a point in W. A. Bell's South boundary line; thence, North 86 degrees West 96 feet to a point in Bell's South boundary line, also, the Northeast corner of Clement Heights Subdivision; thence, running with the East boundary of said subdivision South 3 degrees West 1,888.34 feet to a point on the South side of a road and

on the North right-of-way line of the L & N Railroad; thence, with said road North 85-1/4 degrees West 844 feet to a point; thence, South 2 degrees West, crossing the railroad and crossing old State Highway No. 1 on 241 feet, in all 612 feet to a point; thence, South 77 degrees West 3,580 feet to a stake at the West edge of Lewis Hollow Road; thence, North 60-1/4 degrees West 2,375 feet to a point at a cross fence on Lee Mathis' property; thence, South 34 degrees East 870 feet to a fence corner, same being Wayne Stephen's (Stephen's Truck Line) back corner; thence, South 44 degrees East 2,463 feet to a point in a fence row in the West margin of Lewis Hollow Road said fence being Claude Martin's East property line; thence, more or less with said margin of road South 6 degrees East passing the center line of State Route No. 46 at 735 feet in all 881 feet to a point in the South right-of-way line of State Route No. 46; thence, with said right-of-way line South 44 degrees East 246 feet to a marker in the Northwest margin of a road; thence, South 58 degrees West 325 feet to a point; thence, North 44 degrees West 2,841 feet to a point in J. W. Beasley's property line; thence, following said property South 46 degrees West 300 feet; thence, North 43 degrees West 750 feet; thence, North 46 degrees East 275 feet to a point in Beasley's property; thence, North 44 degrees West 51 feet to a point in a North and South cross fence on J. W. Beasley's property; thence, North 30-1/2 degrees West 1,199 feet to a point in the East margin of a street; thence, South 89 degrees West cross Cowan Road on 1,030 feet, in all 2,725 feet to a point in J. W. Beasley's East boundary line; thence, South 62 degrees West 1,209 feet to a point in J. W. Beasley's South Boundary Line; thence, North 89-1/4 degrees West 1,010 feet to a stake at the East edge of the Piney Road; thence, South 73 degrees West 190 feet to a point; thence, North 17-1/2 degrees West 728 feet to a point at the North edge of State Highway No. 48; thence, North 64 degrees East 876 feet to a point; thence, North 36-1/2 degrees East 662 feet to a point; thence, North 5 degrees East 294 feet to a point; thence, North 87 degrees West 649 feet to a point on the East side of the creek near Phillips' Southwest corner; thence, North 1-1/4 degrees West 848 feet to a point; thence, North 36 degrees West 1,805 feet to a point; thence, North 48-3/4 degrees West 475 feet to a

point; thence, South 44 1/2 degrees West 1,000 feet to a point on Frank Brannon's property; thence, South of and parallel to the center line of Furnace Hollow Road South 89 degrees West 1,929 feet to a point; thence, still parallel to said road North 89 degrees West 765 feet to a point in a field; thence, due North and crossing Furnace Hollow Road on 307 feet in all 1,573 feet to the Northwest corner of Estabrook Subdivision; thence, North 80-1/4 degrees West 1,254 feet to a point in a field; thence, South 87 degrees West 2,715 feet to a point on the Elmer Bass property; thence, due North and crossing a road on 203 feet and in all, 1,553 feet to a point in the North right-of-way of U. S. Highway 70; thence, due West following the North right-of-way of U. S. Highway No. 70, 490 feet to a point in a fence; thence, following said fence North 1-1/2 degrees East 212 feet to a corner; thence, following a fence North 48-1/2 degrees East 632 feet to a point; thence, leaving fence due North 758 feet to a point on the bank of a stock pond; thence, North 87 degrees East 3,250 feet to a point; thence, North 47 degrees East 1,847 feet to the point of the beginning.

Section 1.04. DIVISION INTO WARDS. The City of Dickson shall be divided into four (4) Wards, as follows:

FIRST WARD: All of the territory North of the center line of College Street and Highway 70 East and East of Main Street shall constitute Ward I.

SECOND WARD: All of the territory North of the center line of College Street and Highway 70 West and West of Main Street shall constitute Ward II.

THIRD WARD: All of the territory South of the center line of College Street and Highway 70 West and West of Main Street shall constitute Ward III.

FOURTH WARD: All of the territory South of the center line of College Street and Highway 70 East and East of Main Street shall constitute Ward IV.

The Council may change the boundaries of the Wards by Ordinance.

Section 1.05. CORPORATE POWERS. The City shall have power:

(a) To enact such Ordinances and by-laws as may be necessary to preserve the health, quiet, peace, morals and good order of the City.

(b) To fix the compensation of all the officers and agents of said corporation not fixed herein, and to provide a pay plan and retirement program for employees.

(c) To Assess, levy and provide for the collection of taxes on all property subject to taxation for all general and special purposes; provided, that before any Council shall make the tax levy, it shall make and record in the Minutes a budget of proposed expenditures and expected revenues for the coming year. The tax levy shall be made annually by a resolution passed by the Council at the stated meeting in July or any adjournment thereof.

(d) To appropriate money and provide for the debts and running expenses of the Corporation, to incur debts by borrowing money or otherwise, and give any appropriate evidence thereof, in the manner hereinafter provided.

(e) To expend the money of the municipality for all lawful purposes, and to contract and be contracted with.

(f) To license and tax the privileges taxable by the laws of the State, including the adoption of the Business Tax Act.

(g) To establish Fire Districts in the City and to make suitable regulations for the preservation of life and property from fires and other casualties; to establish minimum standards for and to regulate building construction and repair, electrical wiring and equipment, gas installations and equipment, heating and air conditioning installations and equipment, fixed mechanical equipment, plumbing, and housing, for the health, sanitation, cleanliness, safety and comfort of the inhabitants of the City, and to provide for the enforcement of such standards.

(h) To pass all Ordinances necessary for the health, morality, peace, safety, convenience and good order in the City, including but not limited to the operation of

motor vehicles, the carrying of concealed weapons for the purpose of going armed not in conflict with the general law, the storage, sale or use of fireworks, or dynamite, or other explosives or combustibles, to prevent dogs or other animals from running at-large in the streets and alleys, to prevent the keeping of swine and other animals in the City, and to provide penalties for a violation of said Ordinances.

(i) To condemn property, real or personal, or any easement, interest, or estate or use therein, either within or without the municipality, for present or future public use; the condemnation shall be effected in accordance with the terms and provisions of Tennessee Code Annotated, Title 29, Chapter 16, or in any other manner provided by law, and appropriate money for the payment of property so taken according to law.

(j) To maintain the streets and alleys and parks in the City; to prevent engines and trains from unnecessarily blocking the streets or alleys in the City.

(k) To provide for the organization, operation and regulation of fire companies, departments, or divisions, volunteer or otherwise.

(l) To acquire, construct, own, sell, lease, mortgage, pledge or otherwise dispose of public utilities or any estate or interest therein, and provide for the operation and maintaining of a water and sewer system and to do all things necessary to successfully operate same, including the exercising of the power of eminent domain, to maintain and operate an electric distribution system within and without the Corporate Limits and to delegate the authority to operate same to a Board of Utilities, as provided by Tennessee Code Annotated, 7-52-107. Further, the municipality may issue debt for these purposes under the Local Government Public Obligations Act, compiled in Tennessee Code Annotated, Title 9, Chapter 21.

(m) To purchase, lease or control cemeteries and land adjoining the same, to levy a tax for the up-keep or payment of the same and to make all necessary regulations in regard to its regulation and control.

(n) To make special assessment for local improvements, and to fix liens to secure the payment thereof, and to provide a method for the collection of such assessments.

(o) To license, tax and regulate any business, person, firm, corporation, company, association, animal, thing, vocation, pursuit, privilege or calling operating within the City so long as not in conflict with State law.

(p) To define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, businesses, occupations, callings, trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the City of Dickson, and exercise general police powers.

(q) To prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained.

(r) To regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures, and inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and when necessary, prevent their use and require any alteration or changes necessary to make them healthful, clean or safe.

(s) To plan for the orderly development of the community, including economic, physical, and cultural aspects, and to institute programs to effectuate such plans.

(t) To provide that the violation of any Ordinances, Rule, Regulation or Order shall be punishable by a fine, penalty or forfeiture and by other actions or proceedings in any court of competent jurisdiction, and provide by Ordinance for court costs.

(u) To exercise and have all other powers, functions, rights, privileges, and immunities granted by general law or necessary or desirable to promote or protect the

safety, health, peace, security, good order, comfort, convenience, morals, and general welfare of the City and its inhabitants, and all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were fully enumerated herein.

(v) To issue and give, sell, pledge or in any manner dispose of, negotiable or nonnegotiable interest-bearing or noninterest-bearing bonds, warrants, promissory notes or orders in the name of the City of Dickson, upon the credit of the City of Dickson or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the City of Dickson, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credits.

(w) To acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the municipality or state.

(x) To establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, public facilities, libraries and squares, wharves, bridges, viaducts, subways, tunnels, water and sewers and drains within or without the corporate limits of the City of Dickson, regulate their use within the corporate limits, assess fees for the use of or impact upon such property and facilities, and take and appropriate property therefor under the provisions of Tennessee Code Annotated, Sections 7-31-107 - 7-31-111 and 29-16-114, or any other manner provided by general laws.

(y) To regulate, tax, license or suppress the keeping or going at large of animals within the municipality, impound them, and in default of redemption, sell or kill them.

No enumeration of particular powers in this Charter shall be held to be exclusive of others nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to cities by the constitution or general laws of the State.

ARTICLE II

CITY COUNCIL

Section 2.01. ELECTION OF MAYOR AND COUNCILMEN. The Officers of the City of Dickson to be elected by popular vote shall be a Mayor and two (2) Councilmen from each of the four (4) Wards.

(a) Each elector in the City shall be entitled to vote for one (1) candidate for Mayor and for one (1) candidate for Councilman for the Ward in which the elector resides in subsequent biennial elections. Each candidate for City Council shall reside in the Ward from which the candidate seeks election.

(b) Biennial elections shall be held on the last Thursday in September in each odd numbered year to elect one (1) Councilman from each of four (4) wards for four-year terms. Effective with the election in September, 1987, and all succeeding elections the term of office for the Mayor shall be four (4) years. No formality shall invalidate such an election, providing it is conducted fairly and in substantial conformity with the requirements of this Charter and the general election laws of the state. Any elector who shall have been a resident of the City of Dickson for twelve (12) months immediately preceding the election shall be eligible to become a candidate for Mayor or Councilman.

(c) The present Mayor and Members of the Council of the City of Dickson shall hold their respective offices and do and perform all the duties imposed upon them under the Ordinances of said City as they now exist until expiration of the terms for which they were elected, and until their successors are elected and qualified. The present City Recorder shall hold office and do and perform all the duties imposed upon him, or her,

by this Charter and by the Ordinances of said City as they now exist until expiration of the term for which the City Recorder was elected, and until the City Recorder's successor or successors have been elected and qualified.

(d) The terms of office of the Mayor and Councilmen shall begin at 7:00 P.M. on the first Monday in October next after their election.

Said election shall be opened and held by the County Election Commission of Dickson County after advertising same by publication in a newspaper of general circulation in the City of Dickson, as required by law for the election of county officers, giving the time, place and purpose of said election, assisted by such judges and clerks as the state law provides to be appointed by such Commissioners. Said election shall be governed by the same laws governing the elections in this state for state and county officers. Any person who is a qualified voter for members of the General Assembly under the laws of Tennessee in Dickson County and who shall have been a resident of said City for thirty (30) days immediately preceding the election, or in the case of annexation, a resident of said annexed territory for thirty (30) days immediately preceding the election, shall be entitled to vote in said election and have his vote counted as cast.

The County Election Commission holding said election shall at once make two certified copies of the result of said election, showing the names of all candidates voted for, the offices for which they were candidates, and the number of votes received by each.

One copy shall be delivered and deposited with the County Clerk of Dickson County and the other shall be delivered to the Mayor.

(e) The salary of the Mayor shall be thirty (30%) percent of the Dickson County Executive's salary plus any local supplements of the County Executive as set by the Tennessee Code Annotated, Section 8-24-102(b). The salary of each Member of the Council shall be seventeen and one half (17-1/2%) percent of the Dickson County

Executive's salary plus any local supplements of the County Executive as set by Tennessee Code Annotated, Section 8-24-102(b). The Mayor and Council members shall also be reimbursed for actual and necessary expenses incurred in the conduct of their official duties and shall be permitted to participate in the Tennessee Consolidated Retirement System, TCRS; according to the provisions contained in Tennessee Code Annotated, Section 8-35-226. Provided, however, these raises shall not become effective until October 1, 2001.

(f) The Mayor and Council members before entering upon their duties, shall take an oath that they will honestly and faithfully discharge the duties of their office without partiality, favor or affection.

Section 2.02. MEETINGS OF THE COUNCIL.

(a) The Mayor and eight (8) Councilmen elected under this Charter shall compose the City Council, in which is vested all corporate, legislative, and other powers of the City, except as otherwise provided in this Charter.

(b) The Council shall meet regularly on the first Monday in each month at the Municipal Building at a time to be set by the Council. In the event that any meeting date falls on a holiday the Mayor shall reschedule the meeting at his/her discretion. The Council may meet in adjourned sessions, or special sessions, when called by the Mayor, or when requested in writing by four (4) Members of the Council.

(c) A majority of the Council, excluding the Mayor, shall constitute a quorum. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the Minutes. The Council may adopt rules and by-laws to govern the conduct of its business, including procedures and penalties for compelling the attendance of absent members. The Council may subpoena and examine witnesses and order the production of books and papers.

Section 2.03. MAYOR AS PRESIDING OFFICER. The Mayor shall preside at all meetings of the Council, but shall have no vote except to break a tie. The Mayor shall examine all Ordinances and Resolutions passed by the Council for his approval or veto.

The Mayor shall have five (5) whole days, Saturdays and Sundays excepted, in which to approve or veto any Ordinance or Resolution, or part thereof. Should he approve said Ordinance or Resolution passed by said Council, he will sign it and it shall become the law of said City. Should he veto such Ordinance or Resolution, or part thereof, he shall give his reasons therefor in writing and re-submit such to the next meeting of the Council. Should such Ordinance or Resolution be again passed by said Council with the affirmative vote of five (5) members, it shall become the law of said City, and may be entered in the records with or without the signature of the Mayor.

Section 2.04. VICE-MAYOR. The Council, at the first regular meeting after the newly elected Mayor has taken office following each biennial election, shall elect from its membership a Vice-Mayor for a term of two (2) years. The Vice-Mayor shall perform the duties of the Mayor during his absence or inability to act, and shall fill out any unexpired term in the office of Mayor, in which case a Member of the Council shall be selected by majority vote of the Council to serve the unexpired term as Vice-Mayor.

Section 2.05. VACANCY IN OFFICE OF MAYOR OR COUNCILMAN. A vacancy shall exist if the Mayor or a Member of the Council resigns, dies, moves his residence from the City, or a Member of the Council moves from the Ward from which he was elected, is convicted of malfeasance or misfeasance in office, a felony, a violation of this Charter involving the performance of the duties of his office or the election laws of the State, a crime involving moral turpitude, fails to attend any meetings of the Council for a period of ninety (90) days with no extenuating circumstances, or has been continuously disabled for a period of six (6) months so as to prevent him from discharging the duties of his office. The Council shall by Resolution

declare a vacancy to exist for any of these reasons, which shall be subject to appeal to the Chancery or Circuit Court of Dickson County.

Any person convicted of malfeasance or misfeasance in office, a felony, or crime involving moral turpitude shall be prohibited from holding office with the City for a period of ten (10) years thereafter.

The remaining Members of the Council shall elect a qualified person to fill a vacancy in the office of Councilman for the remainder of the unexpired term. If the vacancy is not so filled within forty-five (45) days, the Mayor shall appoint a qualified person to fill the vacancy.

At no time shall there be more than two (2) members of Council appointed to fill vacancies. If a vacancy occurs more than six (6) months prior to a regular municipal election and while two (2) appointed members are on the Council, a special election shall be held by the County Election Commission of Dickson County, at which election a Councilman shall be elected to serve the unexpired term of each vacant office.

Section 2.06. RESTRICTIONS ON COUNCILMEN. The Council shall deal with the various agencies, officers and employees of the City, except boards or commissions authorized by this Charter or by Public Law, solely through the Mayor, or their designee, and shall not give orders to any subordinates of the Mayor either publicly or privately. The Council shall deal with officers and employees of boards and commissions solely through the Chairman of each such agency. Nothing herein contained shall prevent the Council from conducting such inquiries into the operation of the City government and the conduct of the City's affairs as it may deem necessary. The Council may organize itself into committees for the purpose of investigating problems and examining programs in order to inform the Council on desirable measures.

Section 2.07. CITY LEGISLATION. (a) Any action of the Council having a regulatory or penal effect, awarding franchises, authorizing the borrowing of money, conveying or leasing or authorizing the conveyance or lease of any lands of the City, or required to be done by Ordinance under this Charter or the general laws of the state, shall be done only by Ordinance.

All purchasing shall be done in accordance with state of Tennessee purchasing laws as they apply to municipalities.

Other actions of the Council may be accomplished by Resolutions or motions.

Ordinances and Resolutions shall be in written form before introduced. The enacting clause of Ordinances shall be "**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DICKSON:**". No action of the Council shall be valid or binding unless approved by the affirmative vote of a majority of the Council members present. Any Ordinance which repeals or amends existing Ordinances shall set forth at length the sections or subsections repealed or as amended. Every Ordinance except an emergency Ordinance must be approved on two (2) readings, on two (2) separate days, and shall become effective immediately after final approval unless its terms provide a later effective date. Every Ordinance, except codes adopted by reference, shall be read in full on the first reading; the second reading may be title only except that any amended provisions shall be read in full. Each Resolution shall be read in full one (1) time and shall become effective when adopted unless its terms provide otherwise.

To meet a public emergency affecting life, health or property, as determined by a majority of the Council present, an emergency Ordinance may be adopted on one (1) reading and become effective immediately, by the affirmative votes of a majority of the members of the Council present, if the Ordinance contains a full statement of the facts creating the emergency; but any emergency Ordinance shall be effective for only ninety (90) days. Franchises, contracts, levy of taxes, or special privileges shall not be passed as emergency Ordinances.

(b) The Council shall have the general and continuing Ordinances of the City assembled into an official code of the City, a copy of which shall be kept currently up-to-date and shall be available to the public. After adoption of the official code, Ordinances shall be adopted as additions to, deletions from, or amendments to the code.

(c) Standard codes may be adopted by Ordinances which contain only references to titles, dates, issuing organizations, and such changes to the standard codes as the Council may

deem desirable, Procedures prescribed by general law shall be followed when adopting such standard codes. Copies of the official code and any standard codes so adopted by reference shall be available to the public at prices fixed by the Council.

(d) The original copies of Ordinances, Resolutions, contracts, and other documents shall be filed and preserved by the City Recorder. The title and a brief summary of each Ordinance shall be published in a newspaper of general circulation in the City within ten (10) days after its final approval.

ARTICLE III

ORGANIZATION AND PERSONNEL

Section 3.01. ORGANIZATION OF CITY GOVERNMENT. The City government shall be organized into such departments as the Council thinks for the best interest of the City.

Section 3.02. DUTIES OF MAYOR. The Mayor shall be the chief executive officer of the municipality. The Mayor shall countersign checks and drafts drawn upon the treasury by the treasurer and sign all contracts to which the municipality is a party. He shall communicate any information needed, and recommend measures the Mayor deems expedient to the Council.

The Mayor shall be the executive head of the City government, responsible for the efficient and orderly administration of the affairs of the City. He shall be responsible for the enforcement of laws, rules and regulations, Ordinances, and franchises of the City, and the City Attorney shall take such legal actions as the Mayor may direct for such purposes. The City Attorney may conduct inquiries and investigations into the affairs of the City and shall have such other powers and duties as the Council may from time to time grant and impose, by motion, Resolution, or Ordinance not inconsistent with this Charter.

In the event of any riot or disorder, or any threat thereof, which in the opinion of the Mayor cannot be controlled by the City's police forces, the Mayor may employ any additional police as may be required, but not for a longer period of time than one (1) week, unless, in the meantime, he has secured the approval of the Council for a longer period.

The Mayor shall make temporary appointments of any officer or department head, except that of Councilman, arising from the absence, sickness or disability of any such officer or department head, and shall report such appointment to the Council at its next regular meeting.

The Mayor, with the approval of the Council, shall appoint department heads and other major officers of the City whose appointments are not otherwise provided for in this Charter and who would not be employees of boards or commissions.

The Mayor, with the approval of the Council, may appoint a Clerk to the City Judge with the power to issue warrants and accept bonds consistent with the general law.

All department heads of the City of Dickson are encouraged to be residents of the City, however all department heads shall be residents of Dickson County. All employees employed prior to July 1, 2000 are exempt from the residency requirement.

All department heads and other officers appointed by the Mayor, with the approval of the Council, shall hold office in accordance with such personnel rules and regulations as the Council may adopt. However, the provisions of this section shall not abridge the right of the Council to re-organize the City government, to establish, abolish and combine positions, nor to transfer or re-assign functions.

The Mayor may call Special meetings of the Council upon adequate notice to the Council and adequate public notice. Such notice shall state the matters to be considered at the Special meeting and the action of the Council shall be limited to those matters submitted.

Section 3.03. CITY ADMINISTRATOR. The City Administrator shall report and be responsible to the Mayor.

The City Administrator shall have the following powers and duties:

- (a) To administer the business of the municipality;
- (b) To make recommendations to the Council for improving the quality and quantity of public services to be rendered by the officers and employees to the inhabitants of the municipality;

(c) To keep the Council fully advised as to the conditions and needs of the municipality;

(d) To report to the Council the condition of all property, real and personal, owned by the municipality and recommend repairs or replacements as needed;

(e) To recommend to the Council and suggest the priority of programs or projects involving public works or public improvements that should be undertaken by the municipality;

(f) To recommend specific personnel positions, as may be required for the needs and operations of the municipality, may propose personnel policies and procedures for approval by the Council, and will be responsible for the management of the personnel rules and regulations; and

(g) To perform such other duties as may from time to time be designated or required by the Mayor or Council.

Section 3.04. CITY RECORDER. The City Recorder shall have the following powers and duties:

(a) To keep and preserve the City seal and all official records not required by law or Ordinance to be filed elsewhere.

(b) To attend all meetings of the Council and to maintain a full and accurate account of the proceedings of all such meetings, the Members of the Council present and absent, each motion considered, the title of each Resolution and Ordinance considered, and the vote of each Council Member on each question. This journal shall be open to the public at the Municipal Building in the office of the Recorder during the regular office hours of the City, subject to reasonable restrictions exercised by the City Recorder.

(c) To prepare and certify copies of official records in his office. Fees for such services may be established by the Council, to be deposited into the City Treasury.

(d) To perform such other duties required by this Charter or other law and as may be required by the Mayor or by the Council.

(e) Nothing herein shall prevent the Recorder from being the Tax Collector if the City should see fit to combine these offices, but the Recorder shall not hold any other office or position with the City.

Section 3.05. CITY JUDGE.

(a) The jurisdiction of the City Judge shall extend to the trial of all offenses against the Ordinances of the City, and costs in such trials shall be fixed by Ordinance. The City Judge shall have power to levy fines, penalties, forfeitures and costs, to issue all necessary process, to administer oaths, and to maintain order including the power which courts of general session have to fine for contempt. The sole compensation for serving as City Judge shall be a salary fixed by the Council, and all fees for action or cases in his court shall belong to the City and be paid into the City Treasury. The compensation of the Mayor for serving as City Judge shall be fixed by vote of the Council.

(b) If the City Judge has all the qualifications and is elected in the same manner as the general sessions judge, then the City Judge shall have the right to issue search warrants and he shall have, and shall be given, all of the rights, authority, duties, powers and jurisdiction in all criminal cases committed within the corporate limits that the Judge of the General Sessions Court of Dickson County has, and from time to time may have the power of binding over to the Circuit or Criminal Courts of Dickson County all persons who commit felonies in said corporation.

(c) The taking of bail and the admission to bail for bailable offenses shall be conducted as provided by general law.

(d) Fines and costs may be paid by installments to be fixed and security determined as provided by Ordinance. Failure to pay fines and costs or to furnish

security, shall be punished in the same manner as provided by general law. Receipts of the City court shall be deposited each week with the Treasurer, and the City Judge shall make monthly reports thereof to the Council.

(e) The City Judge shall keep a docket of all cases handled by him.

(f) The City Judge shall be the exclusive Judge of the law and the facts in every case before him, and no officer or employee of the City shall attempt to influence his decision except through pertinent facts presented in open court.

Section 3.06. CHIEF OF POLICE. The Chief of Police shall be the chief law enforcement officer of the City. He shall arrest all persons violating any of the criminal laws of the State of Tennessee or Ordinances of the City of Dickson, including violations in parking centers where such areas are open to the public, and take them before the City Judge or some authorized person by law for trial or examination. He shall have all the powers, authority, duty and jurisdiction within the corporate limits of the City as to all processes in criminal cases that sheriffs have, and from time to time may have, and his criminal jurisdiction and authority shall extend for one (1) mile beyond the City limits. He shall have all such authority and do and perform such duties as the Council may by Ordinance grant and direct.

Any fees collected by the Chief of Police or any other police officer, shall be paid into the City Treasury.

Before entering upon his duties, he shall give bond in such conditions and such penalties as the Council may prescribe and shall take an oath to faithfully perform the duties of his office. There shall be such additional policemen as the Council thinks necessary who shall work under and in keeping with the regulations and standards set by the Council.

Section 3.07. CITY ATTORNEY. In addition to the powers granted by the Council as provided in Section 3.02, the City Attorney, or an Assistant City Attorney designated by the Mayor, shall be responsible for representing and defending the City in all litigation in which the City is a party; prosecuting cases in the City court when requested by the Mayor or Council;

attending meetings of the Council; advising the Council, Mayor and other officers and employees of the City concerning legal aspects of their duties and responsibilities; approving as to form and legality all contracts, deeds, bonds, Ordinances, Resolutions, and other official documents; and performing such other duties as may be prescribed by the Council or Mayor.

Section 3.08. CITY TREASURER. The City Treasurer shall be the financial agent of the City and the custodian of the funds. He/she shall before entering upon the duties of the office give bond in the penalty and on such conditions as the Council may prescribe, and shall have all authority to do and perform such acts as the Council may grant and direct, and shall take an oath to faithfully perform the duties of his/her office.

Section 3.09. TAX COLLECTOR. The assessment for taxes shall be made by the County Assessor, and the Tax Collector shall be furnished a copy of this assessment of property within the corporate limits of said City of Dickson.

The taxes for each year shall be due on and after the first day of November. The City Tax Collector, in collecting said taxes, shall have all the powers, rights and authorities belonging by law to the County Trustee in the collection of County Taxes. The Tax Collector shall make out a list of all delinquent taxes remaining on the books and deliver the same to the Chief of Police, or such other person as the Council may direct not later than the first of April following the year for which said taxes were levied. In order to enforce collection of taxes on property, privileges or occupation tax or assessments, the Council shall have power by Ordinance to fix penalties to be paid by the delinquent taxpayer, in addition to the legal rate of interest for the nonpayment thereof when due. Such penalties shall not be greater than the maximum amount allowed by law, and shall become a part of the tax and be paid into the Treasury of the municipality as other taxes. Such penalties shall be in addition to interest on all delinquent taxes, and interest shall commence on such delinquent taxes at the date of the delinquency. The Tax Collector shall have power to issue distress and alias and pluris distress warrants in the name of the State of Tennessee on behalf of the City of Dickson, to enforce collections of all

taxes, privileges, occupations and assessments. Such warrants may be executed by a deputy sheriff, a sheriff, or a constable of the county, and such officers shall have authority to make their return thereon, or make their collections thereunder, and they shall receive such fees as are provided by the general laws of the State in such cases, and the fees shall be paid by the delinquent taxpayer. The lien for taxes on real estate shall remain a lien until the taxes, penalties, interest and costs are paid, whether a bill be filed to collect the same or not. The municipality shall have authority to collect unpaid taxes on realty after a return of nulla bona by a suit either at law or in equity. Any bill filed in equity may include as many as twenty-five (25) district pieces or tracts of land, the owner thereof being made defendant to the bill, and such cause shall not be subject to objection for misjoinder by reason of such distinct interests or because publication has not been made for delinquency. The law governing necessary parties to be made to collect taxes shall be the same as in case of the collection of state and county taxes. Each person shall pay his proportionate part of the cost of any such tax bill. The form of the bills in the Chancery Court shall be in substance that of bills for the purpose of foreclosing and enforcing liens and divesting title. No defendant shall be entitled to a copy of the bill without applying to the Clerk of the Court and paying for such copy. It shall not be necessary that all defendants' names be included in the copy of the subpoena to be left with any defendant, or in the publication for any particular nonresident defendant. The cause shall be at issue as to a defendant when his answer is filed or pro-confesso has been taken against him, and proceeding to a finality, a sale as to any one defendant shall not in any way affect any other defendant, unless he is interested in the same lot or tract. Any defendant, or party to the bill, shall have the right to appeal to the Court of Appeals or Supreme Court, as the case may be, as in other Chancery proceedings.

The Tax Collector shall collect such other taxes or privileges, business taxes, or other taxes, which by municipal Ordinance or State laws, the City is authorized to collect. The sole compensation of the Tax Collector shall be a salary fixed by the Council, and all fees, penalties

and interest related to the collection of taxes or privileges shall belong to the City and shall be paid into the City Treasury.

Section 3.10. PERSONNEL RULES. The Council may by Ordinance adopt supplementary rules and regulations governing employment by the City, not inconsistent with the provisions of this Charter.

Section 3.11. OATH OF OFFICE. Before a person takes any office in the City government, such person shall subscribe to the following oath, or affirmation, administered by the City Recorder, or any person authorized to administer oaths: "I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and the State of Tennessee, and that I will in all respects, support and defend the provisions of the Charter and Ordinances of the City of Dickson, and that I will faithfully discharge the duties of my office."

Section 3.12. OFFICIAL BONDS. Every officer, agent and employee of the City having duties embracing the receipt, disbursement, custody or handling of money, and other officers and employees designated by the Council, shall give a fidelity bond or faithful performance bond, as determined by the Council, with some surety company authorized to do business in the State of Tennessee, in such an amount as shall be prescribed by the Council. The cost of such bonds shall be paid by the City. Such bonds shall be blanket bonds covering offices and positions to be bonded, and individual bonds may be secured only when blanket bonds are not obtainable.

Section 3.13. DICKSON INDUSTRIAL TRUST. Chapter 60 of the Private Acts of 1967 relative to the members of the Dickson Industrial Trust and naming the Mayor of the City of Dickson, the President of the Bank of Dickson, the Chairman of the Finance Committee of the City of Dickson and the City Attorney of the City of Dickson, and their successors in office, as members of the Dickson Industrial Trust is hereby retained and made a part of this Charter.

SECTION 2. All previous provisions in the Charter of the Town of Dickson, prior to this enactment, which conflict with the provisions of this act, are hereby repealed, and all other

provisions are revised by this act so that this will constitute a complete charter for the Town of Dickson.

SECTION 3. All Resolutions and Ordinances heretofore enacted by the City of Dickson Council, as they now exist, not in conflict with this Charter, and not repealed or rescinded by them, shall be and remain in full force and effect until altered, modified or repealed by the Council.

SECTION 4. If any Article, Section, Sub-Section, paragraph, sentence or part of this Charter shall be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any other parts of this Charter. It is the legislative intent in enacting this Charter that each Article, Section, Sub-Section, paragraph, sentence or part be enacted separately and independently of each other.

SECTION 5. To be applicable as the Charter of the City of Dickson, Tennessee, this Act must be approved by two-third's of the governing body of the City of Dickson, now Town of Dickson, within not less than sixty (60) days, nor more than one hundred twenty (120) days after passage of this Act. The Mayor shall within ten (10) days thereafter certify to the Secretary of State the result of said vote.

SECTION 6. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 5.